

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MANASSEH A. PHILIP,
Petitioner,

v.

LORIE DAVIS, Director, TDCJ-CID,
Respondent.

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No. 3:16-CV-985-D

ORDER

On May 5, 2016, the Court entered its Findings, Conclusions and Recommendation that this case be dismissed for failure to pay the filing fee. On June 1, 2016, Petitioner paid the required fee. The Court therefore VACATES its May 5, 2016, Findings, Conclusions and Recommendation.

Petitioner filed a motion for appointment of counsel. Petitioner is not entitled to court-appointed counsel as a matter of right. *Lopez v. Reyes*, 692 F.2d 15, 17 (5th Cir. 1982). Rather, the decision whether to appoint counsel for an indigent litigant rests within the sound discretion of the trial court. *See* 28 U.S.C. § 1915(e)(1). Respondent has not yet filed an answer in this case. The Court therefore denies Petitioner's motion without prejudice as premature.

IT IS SO ORDERED.

Signed this 29th day of July, 2016.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE